

## **REMARKS/ARGUMENTS**

The present Amendment is responsive to the non-final Office Action mailed April 29, 2008 in the above-identified application.

Claim 5, previously withdrawn, is now canceled without prejudice or disclaimer. Additionally, new claims 12-14 are added. Therefore, claims 1-4 and 6-14 are the claims currently pending in the application.

Claims 1, 4, 6, 7 and 9 are amended to clarify features recited thereby. These amendments are fully supported by applicant's disclosure, see, for example, Specification, pages 93-98.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on January 16, 2007 and February 13, 2008.

### ***Objections to the Claims***

Claim 1 is objected to on the ground that the phrase "at least supporting arms" appears to be in error. Further, claim 4 is objected to on the ground that the term "said tip" in line 2 appears to be in error and the claim instead should recite the term "said jaw body." Claims 1 and 4 are amended.

### ***Rejection of Claims 1-3 and 6-8 under 35 U.S.C. § 102***

Claims 1-3 and 6-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Messerly, U.S. Patent No. 6,325,811. Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, according to an aspect of applicant's invention as claimed in claims 1 and 6, a modular surgical apparatus is provided in which the operating portions, probes or seizing members can be conveniently removed from the distal end of the insert portion, so that such parts may be conveniently replaced when worn or replaced with equipment more suitable to a particular procedure as deemed necessary or desirable by the

Claim 1 requires an ultrasonic operating apparatus comprising an elongate insert portion operable to be inserted into a body cavity, and an operating portion configured to operate on an organism tissue and configured to be removably attachable to the insert portion. Further, claim 6 requires an ultrasonic operating apparatus comprising a vibrator for generating ultrasonic vibration and including an insert portion configured to be inserted into a body cavity, and a probe removably mounted to the insert portion and including an allowance portion for transmitting ultrasonic vibration from the vibrator to a distal end portion and for treating an organism tissue at the distal end portion with an ultrasonic wave.

Messerly discloses an ultrasonic surgical instrument including blades with functional balance asymmetries in which an imbalance due to the asymmetric cross-section of the blade is corrected by the value and location of material removed from a functional asymmetry (Messerly, Abstract). Messerly discloses a T-shaped protrusion 212 provided on tissue pad 208, the T-shaped protrusion 212 being insertable into T-slot 226 and movable progressively through curved portion 236 (Messerly, column 11, lines 4-12; Figs. 30 and 31). Further, Messerly discloses that clamp coagulator 120 may be detached from the stud 50 of the acoustic assembly 80 using a tool that may be slipped over the elongated member 150 of the surgical tool 120 and rotated in the opposite direction, i.e., in a direction to unthread the ultrasonic waveguide 179 from the stud 50 (Messerly, column 18, lines 24-28), and that this tool may be a torque wrench (Messerly, column 17, lines 58-62). As shown in Fig. 1 of Messerly, the stud 50 that is joined with the clamp coagulator 120 is located proximally to the elongated member 150.

Messerly does not disclose or suggest an operating portion that is removably attached to the insert portion, as required by claim 1. Further, Messerly does not disclose or suggest a probe removably mounted to the insert portion, as required by claim 6.

Claims 2 and 3 depend from claim 1, and claims 7 and 8 depend from claim 6. Accordingly, claims 2, 3, 7 and 8 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

***Rejection of Claim 4 under 35 U.S.C. § 103***

Claim 4 is rejected under 35 U.S.C. § 103 as being obvious from Messerly “in view of duplication of parts.” Reconsideration of this rejection is respectfully requested.

Claim 4 depends from claim 1 and is therefore patentably distinguishable over the cited art for at least the above-discussed reasons.

***Rejection of Claims 9-11 under 35 U.S.C. § 103***

Claims 9-11 are rejected under 35 U.S.C. § 103 as being obvious from Messerly “in view of substitution of parts.” Reconsideration of this rejection is respectfully requested.

Claim 9 requires an ultrasonic operating apparatus system comprising a vibrator unit including an ultrasonic vibrator for generating ultrasonic vibration, a probe unit comprising an elongated vibration transmitting member having a proximal end portion removably connected to the ultrasonic vibrator and a distal end portion at which a distal end allowance portion is arranged, and a seizing member supported to be detachable from the distal end allowance portion.

Messerly does not disclose or suggest a seizing member supported to be detachable from the distal end allowance portion, as required by claim 9.

Claims 10 and 11 depend from claim 9 and are therefore patentably distinguishable over the cited art for at least the same reasons.

***New Claims 12-14***

New claims 12-14 are added so as more fully to claim patentable aspects of applicant's invention. Claims 12-14 are fully supported by applicant's disclosure.

New claim 12 requires an ultrasonic operating apparatus including a probe removably mounted on the vibrator. Claim 12 is patentably distinguishable over the cited art for at least the reason that the cited art does not disclose or suggest such features.

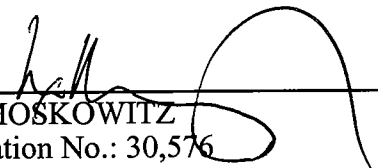
Claims 13 and 14 depend from claim 12 and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the objections and the rejections and allowance of the claims of the application are respectfully requested.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
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Respectfully submitted,



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MAX MOSKOWITZ  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700